REFLEXIONS

ON

Repreſentation in PARLIAMENT:

BEING

An ATTEMPT to ſhew the Equity and Practicability, not only of eſtabliſhing a more equal Repreſentation throughout Great Britain, but alſo of admitting the Americans to a Share in the Legiſlature:

WITH

An Enumeration of the principal Benefits which would reſult from theſe Meaſures, both to the Colonies and the Mother-Country.

The Whole ſubmitted to the Conſideration of the Public in general,

AND

MEMBERS of PARLIAMENT in particular;

BEFORE THE

Final Determination of the preſent DISPUTES.

WITH SOME

STRICTURES on a PAMPHLET, intitled,

"Objections to the Taxation of the Colonies by the Legiſlature of Great Britain briefly conſidered".

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune
Omitted, all the voyage of their life
Is bound in ſhallows and in miſeries;
On ſuch a full ſea are we now afloat,
And we muſt take the current when it ſerves,
Or loſe our ventures:

Brutus in Jul. Cæſ. Act 4. ſc. 5.

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REFLEXIONS, &c.

IN order to determine whether or no the coloniſts and non-electors of Great Britain can reaſonably claim a repreſentation in parliament, it will be neceſſary to enquire into the origin of repreſentation, and to ſift out the true principles whereon the right of their fellow-ſubjects, the electors, is founded; for if they all plead the ſame title, their pretenſions muſt be made good by the ſame proofs.

" It was formerly diſputed with great " acrimony, ſays Mr. Hume, hiſtory of " England, vol. I. p. 407, Appendix 2d. " whether the commons or the repreſen- " tatives of counties and boroughs, were " in the more early times conſtituent parts " of parliament: But ſuch is the force of " time and evidence, that they can ſome- " times prevail even over faction, and the " queſtion ſeems by general conſent, and " even by their own, to be at laſt deter- " mined againſt the ruling party. It is " agreed, that the commons were no

" part of the great council, till ſome ages " after the conqueſt, and that the military " tenants alone of the crown compoſed " that ſupreme and legiſlative aſſembly." As time and evidence have in this diſpute prevailed over faction and prejudice, ſo it muſt be every honeſt man's wiſh, that they may be equally ſucceſsful in all; it is therefore with a view to promote this deſirable end, in a queſtion of the utmoſt importance to theſe kingdoms, that the public is troubled with the following reflexions at this intereſting juncture.

If then there was a time when the houſe of commons made no part of the legiſlature, it is an obvious queſtion, How came they ever to be admitted to a ſhare in it? On what principle were repreſentatives allowed of, when and by whom were they choſen? A brief review of the alterations which took place in the Britiſh conſtitution, in the reigns immediately ſucceeding the conqueſt, will lead us to the true anſwer to theſe queſtions. William the Iſt. eſtabliſhed the feudal ſyſtem in England, a ſyſtem founded on this principle, or rather fiction of law, that the property of all the lands in the kingdom was veſted in the crown. As this, like other fictions of law, was in its nature highly extravagant and

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abſurd, the feudal government was hardly eſtabliſhed here before it began to be relaxed.

The barons, or immediate tenants of the crown, aſſerted in great meaſure their independence as early as the reigns of Henry the IId. and John. The commons, or tenants of the barons, were not ſlow to follow this example, as far as they were able, and accordingly we find the repreſentatives both of counties and boroughs appearing in the next reign, at the meetings of Simon de Montfort and his confederates, Hume's hiſtory, vol. II. p. 46. Every man's indefeaſible title to his property, not dependent on the will, either of the crown or his lord, being by this time tolerably aſcertained, not only his intereſt in the community was acknowledged, but his right alſo to a proportionable influence in it. Since in the ſame degree that he is concerned for the ſecurity of the publick, ought he to influence thoſe meaſures which are taken to provide for that ſecurity? not only equity demands this, but the good of the ſtate, which are indeed inſeparable: for they are leaſt likely to purſue deſigns detrimental to the commonwealth, who are moſt expoſed to ſuffer by them. But ſince in the national councils of large com-

munities, it is impoſſible to allow every man a vote in perſon; that none however might be entirely excluded, who were entitled to ſhare in them, the ſcheme of repreſentation was deviſed: A ſcheme intended originally to give every man, as near as poſſible, an influence in the publick deliberations proportioned to his intereſt in them. Theſe then are the principles, on which every townſhip was allowed repreſentatives, and every man of property in that townſhip, admitted to vote for them. This is the theory of the Britiſh conſtitution, which if founded on truth and reaſon, every deviation from it in practice, muſt be a deviation from truth and reaſon: and yet notwithſtanding its boaſted improvements of late, it has well nigh loſt entirely this, perhaps its moſt eſſential excellence; the equality of repreſentation.

An attention to the conduct of thoſe who framed the conſtitution, will beſt enable us to form a true idea of what it was in its original purity. In thoſe times, England, comparatively ſpeaking, had neither manufactures nor commerce; what little there was of the latter, was chiefly carried on by the cinque ports, and the exporters of tin from Cornwal and Devonſhire. The towns in theſe parts therefore, from the natural

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effects of trade, becoming the repoſitories of property, and the reſidence of its owners; the wiſe and equitable policy of our anceſtors, allowed them a weight in the legiſlature, proportioned to their intereſt in the community. Is it not then ſomewhat extraordinary, that theſe men ſhould be called Barbarians, and ſtigmatized for their ignorance of the conſtitution, by thoſe who have lived to ſee the repreſentatives of the above named places almoſt as numerous as their conſtituents? Might it not be at leaſt as juſt to tell their poſterity, "If ye know theſe things, happy are ye "if ye do them?".

That the conſtitution was really modeled upon the principles already laid down, will further appear from hence, that, as Dr. Blackſtone obſerves in his commentaries, vol. I. p. 168. "Trade being of a "fluctuating nature, and ſeldom fixed long "to a place, it was formerly left to the "crown to ſummon *pro re natâ*; the moſt "flouriſhing towns to ſend repreſentatives "to parliament: ſo that as towns increaſed "in trade, and grew populous, they were "admitted to a ſhare in the legiſlature". On theſe principles, and theſe only, the equity of extending this privilege to all

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the * non-electors throughout the British dominions, may be eſtabliſhed, including Ireland, as well as the colonies. They poſſeſs a very large part of the trade and landed property of the commonwealth; their intereſt in its welfare is proportionable, their ſhare in its legiſlature, none.

The arguments in their favour will appear perhaps in a ſtronger light, if we conſider a little the nature and end of taxation, one of the moſt important branches of legiſlation: A tax may be defined to be a ſurrender of one part of a man's property, for the ſake of ſecuring the remainder; it is ſomewhat analagous to that ceſſion which every man, on entering into civil government, makes of ſome of his natural rights, to enjoy the reſt in greater ſecurity. Every man, in theſe kingdoms, is taxed; that is, a part of his property is taken from him, if this too be done without his conſent, which is taking alſo a part of his liberty, in what ſenſe can he be called free? If property intitles one man to repreſentation, the title muſt extend to all who are poſſeſſed of it: Suppoſe the colonies disfranchiſed, a reſump-

* Meaning always ſuch whoſe property is ſufficient to render them independent, and ſecure them, if they pleaſe, from undue influence.

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tion of grants and charters can affect only thoſe privileges conferred by them. Natural and civil rights are not of this kind, ſuch are thoſe which intitle men to perſonal liberty and private property, and the power of taxation, by which both theſe are affected, can reſide only in the owner, or thoſe to whom he has delegated it. An univerſal repreſentation therefore of ſuch men is no innovation in the conſtitution, it is merely a reſtoration of it to its original purity; from which indeed we have ſo long and ſo much deviated, that many ſeem almoſt entirely to have loſt ſight of it, and ſome are ready to deny that it ever exiſted. But that this is not altogether a popular argument invented to ſerve a preſent turn, will appear from hence, that attempts have heretofore been made to effect this deſirable reformation. Among others, this, it is well known, was the deſign of Oliver Cromwell: A ſuperficial reader may perhaps imagine, that the character of the ſchemer is ſufficient to diſcredit his plan, but a careful inveſtigation of the motives, which prompted him to adopt it, will prove directly the reverſe. Whoever attends to the hiſtory of England ſince the Conqueſt, cannot but obſerve, that the greateſt acquiſitions were made to liberty, and the moſt important ſteps taken towards

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our preſent conſtitution under thoſe kings who had leaſt title to the throne: Theſe princes yielded to the juſt demands of the people to ſecure their own ill-gotten power: The natural ſagacity of Cromwell could not but ſuggeſt to him the expediency of a ſimilar policy, without this leſſon from hiſtory: He whoſe uſurpation was the moſt flagrant, ſtood in need of the moſt upright adminiſtration: The worſt of titles could not otherwiſe be propoſed, than by the beſt of meaſures: Such he eſteemed an equal repreſentation of the people, and he well knew that they could not look upon it in any other light: He therefore undertook it not for their benefit, but his own ſecurity: Confident, that however equivocal might be the motives for his conduct, the advantages of it to the public were manifold and † uncontrovertible.

No man will pretend to deny, that the inequality of repreſentation in theſe kingdoms, has been long complained of. The

† If any reader ſhould have taken offence at the account before given of the origin of the houſe of commons, which he will find inlarged in Hume's hiſtory, vol. II. p. 46. he is deſired to apply the reaſoning here made uſe of, in regard to Cromwell, to the caſe of Simon de Montfort and his aſſociates.

judicious author of the late commentaries, on the laws of England, concludes his account of parliament with theſe words, p. 166. " This is the ſpirit of our conſti-
" tution; not that I aſſert it is in fact quite
" ſo perfect as I have here endeavoured to
" deſcribe it; for, if any alteration might
" be wiſhed or ſuggeſted in the preſent
" frame of parliament, it ſhould be in fa-
" vour of a more compleat repreſentation
" of the people". Will any man then contend for making this repreſentation leſs compleat? So far from remedying the evil, will he aſſiſt in making it worſe, and inſtead of thouſands, extend it to hundreds of thouſands; to all N. America, inſtead of a part of Great Britain? Why rather ſhould it be tolerated any longer in either? Why not corrected in both? The right which property confers on one man, it muſt confer on all who have it: It's nature continues the ſame, be the ſpecies of it what it will, it is ſtill property, whether copyhold or freehold, real or perſonal. Tis true indeed, as the conſiderer of objections to the taxation of the colonies has affirmed: " That
" copyholders, leaſeholders, and all men
" poſſeſſed of perſonal property only, chuſe
" no repreſentatives": But it is a groſs miſtake, to ſuppoſe any of them were excluded in the original plan, or on the ge-

ruine principles of the conſtitution: As for leaſeholders and copyholders, Dr. Blackſtone has aſſigned the true reaſon of their excluſion; where, ſpeaking in his commentaries, p. 166, of the ſtatutes by which the privilege of voting for knights of the ſhire, is confined to freeholders; he ſays, "Becauſe beneficial leaſes for long terms "of years, were not in uſe at the making "of theſe ſtatutes; and copyholders were "then little better than villeins, abſolute-"ly dependent on their lords". Agreeable to the maxim whereon we have all along been arguing, having no inherent indefeaſible right to their property, they had, comparatively, no intereſt in the community, and having no intereſt, were not entitled to any influence. But when this right to their property became once eſtabliſhed, which has long been the caſe, their claim to repreſentation cannot but follow, if it reſted only on this foundation: That all who contribute towards taxes, ought, if poſſible, to conſent to them. It is indeed pretty extraordinary to hear the conſiderer affirming, p. 6. "That he knows "of no man who is taxed by his own con-"ſent". He cannot but know, that every man who votes for a repreſentative, is taxed by his own conſent, in the only way the conſent of millions can be given, by

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delegation. But if he would confine his aſſertion to conſenting in perſon, it is as eaſily overthrown: For, when a member of parliament poſſeſſed of 300l. *per ann.* votes for a land tax; is he, or is he not taxed by his own conſent?

In regard to the latter part of the ſentence, quoted above, "That the owners "of perſonal property only chuſe no re-"preſentatives:" It may be obſerved from the commentaries before mentioned, p. 168: That, "As for the electors of ci-"tizens and burgeſſes, theſe are ſuppo-"ſed to be the mercantile or trading intereſt "of the kingdom". I would aſk, is the property of the trading part of the nation, real or perſonal? If perſonal, we ſee the owners of it were far enough from being excluded in the original ſcheme of the conſtitution; and in the preſent improved ſtate of it, they exceed thoſe of the landholders in a quadruple proportion. Should it be anſwered, that theſe electors are not the trading part of the nation; it might be further aſked, Why are they not what they are ſuppoſed to be? Why indeed is not this univerſally the caſe, both of electors and repreſentatives? Can any reaſon be aſſigned why the former ſhould chuſe men, who are underſtood to repreſent others, or the

latter be chosen by those whom they are not supposed to represent? *

It has been shewn, that in the infancy of the constitution, the utmost regard was had to property of every kind then existing, as conferring on its owners a right to representation. And as this maxim was for some ages so well attended to, that every town, as soon as it became considerable, was admitted to a share in the legislature, few individuals, who were intitled to it, could have been excluded; for freeholders were represented before, leaseholders were not in being, and copyholders in a state of dependence: Enough therefore has been said perhaps, not only to establish the equity of the measure, but to shew also, that it would be no innovation in the constitution, but only a reformation of it: It is

* It may perhaps be justly objected, that personal property is of so unstable and fluctuating a nature, that the allowance of representation to those possessed of it, would give occasion to endless confusion by illegal and fraudulent transfers at the time of elections; and that moreover, it is so extremely difficult to ascertain the amount of the property of men engaged in trade, that many of them cannot tell themselves what they are justly entitled to, with any degree of exactness; but this, however true, cannot at all affect the argument as far it regards the owners of permanent and real property; whether freeholders, leaseholders, or copyholders; Europeans, Americans, or West Indians.

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the preſent ſtate of repreſentation alone, which can juſtly be called an innovation; but it would be doing injuſtice to this part of our ſubject to diſmiſs it, without taking notice of the confeſſion which the force of truth has extorted from one of its profeſſed opponents.

† The Conſiderer, p. 17, has this paſſage: "One method indeed has been "hinted at, and but one that might render "the exerciſe of this power in a Britiſh "parliament juſt and legal, which is, the "introduction of repreſentatives from the "ſeveral colonies into that body; but as "this has never been ſeriouſly propoſed, "I ſhall not here conſider the impractica-"bility of this method, nor the effects of "it, if it could be practiſed". But is

† The writer of this pamphlet, ſo often mentioned, has all along argued from practice, and not from principles; what he has advanced amounts to this: The repreſentation of the people of Great Britain is very unequal; therefore thoſe in America ſhall not be repreſented at all: This inequality in England is already a great evil; therefore it is high time to make it worſe: No man will conteſt with him the practices from whence he draws his inferences; but ſhould they aſk, Why is it ſo practiſed? the only anſwer they can collect from him will be, "Becauſe it is." The public, eſpecially the Americans, expected arguments from this performance, but they are treated with ſarcaſms; "They looked for "bread, and behold a ſtone."

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this really the caſe? Is there but one method which can render the exerciſe of this power juſt and legal? And ſhall it be exerciſed by any other? Is not any other unjuſt and illegal, according to this writer's ſuppoſition? But he goes farther, and ſays, "this method has never been ſeriouſly propoſed". It has however been very ſeriouſly propoſed in almoſt all the pamphlets written on the ſubject, both in England and America. He muſt therefore mean, that it has never been propoſed in parliament: But if his aſſertion be true, that it is the only juſt and legal method of exerciſing a power of taxation over the colonies, the public might be at a loſs to aſſign a reaſon for this ſilence, if he had not furniſhed them with one in his next ſentence, where he ſpeaks of it as impracticable. The weight of this objection therefore, will come next to be conſidered; the arguments for obviating which are of two kinds: Firſt, thoſe which tend to ſhew the practicability of an equal repreſentation in Great Britain; and, ſecondly, ſuch as may evince the ſame of America.

It may not be amiſs however, before we attempt to prove this, to premiſe, that a thing may be called impracticable in two ſenſes; it may be ſo in its own nature; or, if

if it claſhes with the ſuppoſed intereſts of thoſe whoſe concurrence is neceſſary to its execution; it may be ſo from their want of public ſpirit. Every man will call that an Utopian ſcheme, which he either cannot comprehend, or is averſe to put in practice: If prejudiced and ſelf-intereſted people are ever brought to concur in patriotic meaſures, it muſt be through neceſſity, and not choice: To endeavour at making converts of ſuch men by argument, would be to caſt pearls before ſwine, and therefore we have only to ſhew, that the deſign is not impracticable in its own nature.

The deſign is, that every man whoſe property of whatever kind, is ſufficient to make him independent, ſhould vote for a repreſentative: It will hardly be alledged, that ſuch a ſcheme is likely to meet with much oppoſition without doors. 'Tis ridiculous to ſuppoſe, that ninety nine parts in a hundred of the people, would object to an enlargement of their privileges; or that the clamours of the remainder, who would fancy themſelves aggrieved, could or ought to be, of any conſequence. I ſay fancy themſelves aggrieved, becauſe the preference they enjoy at preſent is not a part of the conſtitution, but a corruption of it; and it muſt be remembered, that

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ſuch of them as are really men of property, would be left in a ſituation little inferior to what they are in at preſent.

But it will be ſaid, this is no proof of the practicability of the meaſure, but only, that the nation would acquieſce in it if it were practicable. It may therefore be aſked, ſuppoſing the legiſlature well inclin'd towards the project; by what means could they carry it into execution? I anſwer. By aboliſhing local repreſentation, and fixing that right to determinate numbers of qualified men. For inſtance, ſuppoſe 1000 electors were allowed a repreſentative; if a county or city was found to contain 30,000 of them, it would be entitled to chuſe 30 repreſentatives. The preſent inequality ſo much complained of, has ariſen entirely from confining the right of repreſentatives to particular places; whereas if it was once conferred on number only, this would prevent the evil from ever recurring again in any degree, as well as remove it for the preſent. For if an account was taken, previous to every general election, by the ſheriffs, juſtices of the peace, or proper officers appointed for the purpoſe, of the number of qualified men in each county, the repreſentatives from thence would be more or fewer in every parliament according to the

the flouriſhing or declining ſtate of the county; by which method, every place would have a weight in the legiſlature proportioned to its intereſt in the community. Neither would a greater power be thrown by this means into the hands of theſe men, than is lodged at preſent, in thoſe of every returning officer: Since it would ſtill be as eaſy for every qualified man to prove himſelf ſo, as it is now; and if any ſuch were hindered from voting, the candidate in whoſe intereſt they were, would have the ſame means of redreſs which every one has in the like caſe at preſent, and no doubt would make all poſſible uſe of them.

Should it be objected, that there is an utter impoſſibility of computing what number of independent men (that is, of ſuch as according to this plan are qualified to vote for repreſentatives) may be contained in the Britiſh dominions: So that it would be equally impoſſible to judge either how much property ſhould be deemed a qualification, or what number of qualified men be allowed a repreſentative. This objection may be removed by ſuppoſing an account taken of all property, and the owners of it, both in Great Britain and America, previous to the paſſing any new act for regulating elections.

But it may be urged in oppoſition to this, that tho' the qualifications might be raiſed much higher than they now are, if ſuch an account was taken, yet wherever the ſtandard was fixed both of the property conferring a right to vote, and the numbers entitled to have a repreſentative, yet both electors and repreſentatives would be much too numerous; elections would be tumults, and parliaments little better. In regard however to elections, it may juſtly be queſtioned, whether the riotous proceedings at moſt of them are owing ſo much to the numbers only, as to the low condition and brutiſh manners of the electors; an evil which ariſes entirely from the qualifications being no where ſufficiently great. An attention to what paſſes in the metropolis at every general election, will tend to confirm this obſervation. The city of London contains about 10,000 freemen, but being all men of ſome property, and not a mixed multitude compoſed of the dregs of the people, their elections are conducted with all imaginable order and decency. But the Pot-wallowers of Weſtminſter exhibit a very different ſcene, and are of all others the moſt notorious for tumult and outrage.

Should it ſtill be thought impracticable for all the qualified men in each county to vote

vote for every repreſentative, this might be remedied by aſſigning to a determinate number; ſuppoſe a thouſand, the right of chooſing a repreſentative of their own, and having as many elections as members. Though if the former method of having each repreſentative choſen by the whole body of voters in the county, ſhould be judged practicable, it is doubtleſs on many accounts, the moſt eligible; ſince nothing can ſo effectually guard againſt undue influence at elections, as both increaſing the numbers, and raiſing the qualifications of the voters. It is from their advantages in thoſe reſpects, that county elections are carried on in the faireſt manner of any, except perhaps thoſe of a few very large corporations; and according to the plan here propoſed, every election would be nearly what thoſe for counties are at preſent, where they differ, the preference would be due to the new method, which augments both the number and qualifications of the electors.

In regard to the ſecond part of the objection, "That the houſe of commons "would be too numerous," it may be ſafely ſaid it could not be ſo unleſs buſineſs was materially interrupted by it. Numbers would ſecure as well the freedom of

parliaments as of elections; and if once made ſo great as to guard effectually againſt undue influence in both, a miniſter in the former, and a candidate in the latter, would have no weight, but what reſulted from his integrity and abilities.

Theſe ſeem to be the chief objections which may be made to the execution of the propoſed ſcheme in Great Britain; let us next ſee what may be urged againſt extending it to America.

It will be advanced probably, in the firſt place, "That the Americans do not deſire "it," I anſwer, this is neither true, nor to the purpoſe; firſt, for the truth of it: He muſt be ſcandalouſly ignorant of the preſent points in diſpute, and of the pretenſions of his fellow-ſubjects, the coloniſts, who imagines they lay claim to an independent legiſlature. This they have univerſally diſavowed, as well in their † private writings, as in the ſolemn and public declarations of their aſſemblies: They muſt therefore, and do indeed claim only, either a ſubordinate legiſlature, or a ſhare in the ſupreme. To prove

† If the parliament had not a ſupreme ſovereign power, the Colonies would be independent, which none but fools and madmen will contend for.

OTIS's vind. of the colonies.

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this, it may be ſufficient to quote a paſſage or two from their ableſt and moſt zealous advocate, Mr. Otis, one of the repreſentatives for Boſton: In his "rights of the colonies, he ſpeaks thus": p. 54: "Beſides the "equity of an American repreſentation in "parliament, a thouſand advantages would "reſult from it. It would be the moſt "effectual means of giving thoſe of both "countries a thorough knowledge of each "others intereſts, as well as that of the "whole, which are inſeparable". And he cloſes his performance with theſe remarkable words: "This conſtitution (meaning that of Great Britain) is the moſt "free one, and by far the beſt, now exiſting on earth: By this conſtitution "every man in the dominions is a free "man: No part of his majeſty's dominions can be taxed without their conſent: Every part has a right to be repreſented in the ſupreme, or ſome ſubordinate legiſlature. The refuſal of this "would ſeem to be a contradiction in "practice to the theory of the conſtitution: The colonies are ſubordinate dominions, and are now in ſuch a ſtate as to "make it beſt for the good of the whole, "that they ſhould not only be continued "in the enjoyment of ſubordinate legiſlation, but be alſo repreſented in ſome

"pro-

" proportion to their number and eſtates in " the grand legiſlation of the nation, this " would firmly unite all parts of the Bri- " tiſh empire, in the greateſt peace and " proſperity, and render it invulnerable " and perpetual".

We ſee then, how far the Americans are from being averſe to having repreſentatives in the Britiſh parliament: Tho' this has been often aſſerted: It remains now to ſhew that this would be little to the purpoſe; that is, no good argument againſt the meaſure, if it was true: If the good of the community requires it, which it certainly does, and we have ſeen they are ſenſible of it, this alone ſuperſedes all other conſiderations.

This was the primary end for which their charters were allowed them, the benefits accruing therefrom to individuals was but a ſecondary inducement: And as theſe were granted for the good of the commonwealth in general, they ought certainly to be reſumed on the ſame principle whenever they are found to interfere with it: Thoſe who indulged them with their privileges both might and ought to revoke them in ſuch a caſe.

Another

Another plauſible objection reſpecting America is, That as the ſeat of legiſlation would be ſo far removed from the colonies, it would be unable to provide for their ſecurity on any ſudden emergency, as invaſion, or rebellion of ſlaves; nor could it conveniently accommodate them with ſuch local laws as they would ſtand in need of from time to time. But this ſeeming difficulty is eaſily removed: For though their aſſemblies would be transferred to Great Britain, yet why might not the governor and council in each province be inveſted with a power of making ſuch temporary laws as they ſhould judge neceſſary, but which ſhould continue in force no longer than till they could be finally confirmed or rejected at home. The danger ariſing from an abuſe of this power, would be very ſmall, § early notice would be given their repreſentatives of the firſt advances towards oppreſſion, and theſe gentlemen, who muſt neceſſarily be men of conſiderable property, as they could not but ſuffer in common with their conſtituents, would undertake the cauſe with double alacrity.

§ Eſpecially if the councils were every where choſen by the people, which is the caſe in ſeveral provinces already; as the Maſſachuſetts, Rhode-Iſland, and Connecticut: In this caſe they would be an inferior kind of repreſentatives.

And

And having the advantage of being on the ſpot, where the offender would be tried and of proceeding, if they ſhould think proper, to parliamentary enquiry, this alteration inſtead of expoſing the colonies to oppreſſion, would furniſh them with ſpeedier and more effectual means of bringing a rapacious officer to juſtice, than any they have hitherto been fortunate enough to employ.

Should it be ſaid, that the diſtance of the colonies would occaſion their repreſentatives not being preſent in parliament ſo early as the exigency of affairs might require, this may be prevented, by iſſuing the writs for American elections a ſeſſion, or twelvemonth, before thoſe for Great Britain.

The only important objection from the ſame quarter, which ſeems now to require conſideration, is this: Whether or no, if the colonies were allowed a number of repreſentatives proportioned to their weight in the community, (and not to allow them ſuch a number, would look like a deſign of oppreſſing them in a method the leaſt alarming and notorious, and therefore the moſt dangerous;) whether or no, I ſay, this would not be drawing off from the provinces ſo many of their greateſt proprietors,

prietors, as might be an eſſential detriment to them. With regard to the Weſt-Indies, the caſe would be very little altered from what it is at preſent, for with reſpect to them, it may ſafely be affirmed, that the majority of thoſe gentlemen who are likely to be returned as their repreſentatives, are reſident here already. As to North America, ſo far from a prejudice to either, it would be a capital advantage both to the colonies there, and the mother country.

What would ſtrengthen the ties by which they are connected together, ſo much as a perſonal acquaintance, and familiar intercourſe between the leading men in each? A cloſer union between all parts of the Britiſh dominions, than ſubſiſts at preſent, becomes daily more and more neceſſary; eſpecially as many people are running eagerly into practices which ſeem to threaten a total diſunion of them: Among which, none of the leaſt alarming is, that propenſity which many in this country have ſhewn lately towards contributing largely to the foundation of colleges, and other places for the education of youth in America. Is any thing likely to alienate the coloniſts ſo ſoon, or ſo effectually, from their mother-country, as an abolition of the practice, till now ſo prevalent among

them, of ſending their children to the ſchools and univerſities of Great Britain? Or, can it be expected theſe ſhould long continue to come 3000 miles for any advantages which are brought home to their own doors?

Having endeavoured to eſtabliſh the equity, and to ſhew the practicability of an univerſal and equal repreſentation of all the ſubjects of Great Britain; the benefits which would reſult from hence to every part of theſe dominions, remain, laſtly, to be conſidered: Theſe will perhaps appear to be ſo great, that tho' the equity of the project was not admitted, and the practicability dubious, even then it might be thought not only juſtifiable, but laudable, to grant a few indulgences, and run ſome little hazard of a diſappointment, in favour of a ſcheme ſo highly advantageous to the community, ſhould it be poſſible to carry it into execution: For, firſt, it is perhaps the beſt, if not the only expedient for reconciling the dignity of the Britiſh legiſlature, with the pretenſions of the coloniſts; and this not only ſo as to terminate the preſent diſpute, but to take away entirely all occaſion for future differences on this and almoſt every other ſubject. But the ſuperiority of this to every other

other method hitherto propoſed for accompliſhing this deſirable reconciliation, will beſt appear from comparing it with them: It will ſoon be manifeſt from hence, how well adapted this expedient is, and how inſufficient all the reſt are for attaining the ends propoſed.

The methods generally recommended are theſe: Firſt, a repeal of the Stamp-Act; 2dly, a forcible execution of it; 3dly, a mitigation; and, 4thly, a ſuſpenſion: A repeal having the feweſt advocates, and indeed the moſt to be ſaid againſt it, and leaſt in its favour, will be ſooneſt diſmiſſed. It is indeed true, that acts of parliament have been paſſed in one ſeſſion, and repealed the next, or very ſoon after; but this has been always when ſuch acts have not been productive of the advantages expected from them, or have been attended with inconveniencies which more than counterbalanced thoſe advantages.

In all theſe caſes the expediency only, and not the right of making them has been called in queſtion: Where this is the caſe, (as it is with the ſtamp act) a repeal might he conſtrued almoſt into giving up the right of legiſlation. For, to deny that, kings, lords and commons have a right to

make any law they pleaſe (not contrary to the conſtitution) is to affirm that they are not the legiſlature. And where they to repeal an act becauſe their right to paſſing it is ſo denied, this would look like countenancing the aſſertion. A meaſure no leſs derogatory from their dignity, than it would be dangerous to the community, and oppoſite to the conſtitution: This may ſuffice to ſhew the inexpediency of a repeal: The 2d propoſal is that of a forcible execution of the act, this having far more advocates than the laſt, will require a more ample diſcuſſion. But I muſt pauſe here a little to obſerve with what concern, indignation, and aſtoniſhment, every thinking man muſt have ſeen the levity with which ſome people talk of ſending half a dozen regiments, or twenty ſhips of the line to America. Do theſe gentlemen reflect at all upon the guilt of promoting, or the miſery of being involved in a civil war? They will anſwer perhaps, "This is not likely to be the conſequence, the Americans are not ſtrong enough to think of reſiſtance, and if theſe ſteps were taken the act would be peaceably complied with." But if it can be made appear, which perhaps it can, that an immediate rupture with them may poſſibly follow theſe meaſures; that, if not, a diſtant one will, and that

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the ruin of both countries will be the conſequence of either; this procedure, though the favourite one of ſome people, will perhaps in general be thought even leſs adviſeable than a repeal. Let us firſt ſee what probability there is of reſiſtance. In order to judge of this the reader muſt be deſired to conſider, that the Americans will not act in this affair according to the ideas he may here conceived of their ſituation; but agreeable to their own opinion of it: He muſt imagine himſelf therefore in ſuch a condition as they, however erroneouſly, have ſuppoſed themſelves, before he can pretend to ſay in what manner they are likely to act. What notions then have they of their preſent circumſtances? This ſurely they are better able to tell us than we are to conjecture; and therefore the beſt way of judging will be from their own teſtimony.

Of this I ſhall produce only one inſtance, but this of the moſt weighty and authentic nature, being part of the inſtructions of the city of Boſton to their repreſentatives in the aſſembly; and is as follows: "What "ſtill heightens our apprehenſions is, that "theſe unexpected proceedings may be "preparatory to new taxations upon us: "For if our trade may be taxed, why not

"our

" our lands? Why not the produce of our
" lands, and every thing we poſſeſs or make
" uſe of? This we apprehend annihilates
" our charter right to govern and tax our-
" ſelves. It ſtrikes at our Britiſh pri-
" vileges, which as we have never for-
" feited them, we hold in common with
" our fellow ſubjects who are natives of
" Britain: *If taxes are laid on us in any*
" *ſhape without our having a legal repreſen-*
" *tation where they are laid, are we not re-*
" *duced from the character of free ſubjects,*
" *to the miſerable ſtate of tributary ſlaves*"?
Such taxes are laid upon them; we know then the ſtate in which they conſider themſelves: He therefore who would judge rightly how they are likely to behave, muſt conſider how he himſelf would probably act if he viewed his own ſituation in the light in which they regard theirs. Should it be ſaid, that, conſidering the diſparity of ſtrength between Great Britain and America, the alternative of reſiſtance can never be embraced by any reaſonable man; it muſt be remembered, that people under the influence of any violent paſſion are no longer ſuch men; the coloniſts are irritated and exaſperated, they will act from the dictates of reſentment, not thoſe of reaſon; in which caſe, their behaviour will by no means be regulated by a compariſon of

their

their ſtrength with that of their antagoniſts, but by the ſenſe they have of their ſuppoſed injuries. "Miniſterial oppreſſion," ſays Mr. Otis, "will make the wiſeſt mad, "and the weakeſt ſtrong". Since then the Americans in general, almoſt indeed univerſally, conſider the ſtamp act as oppreſſive, why is it ſo unreaſonable to ſuppoſe they may poſſibly reſiſt a forcible execution of it? If they ſhould, a civil war muſt enſue; this perhaps it is needleſs to prove will be the ruin both of them and Great Britain, ſince *Frangimur ſi collidimur* ſeems to be the general voice. But as it has been inſinuated above that, even the acquieſcence of the colonies in the execution of the ſtamp-act, may be followed by a diſtant rupture, this will hardly be ſo generally admitted; and therefore it muſt be ſhewn what grounds there are for ſuch an apprehenſion.

We have ſeen what the Americans already think of the ſtamp-act. Is there any reaſon to expect an alteration of their ſentiments, if a forcible execution of it ſhould be reſolved on? Men change their opinions on ſeeing they were ill-founded, not on being made to act in oppoſition to them. Conviction is effected by arguments, and not force, ſince that can only

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tend to make people obſtinate in their errors. If theſe then continue the ſame, the Americans will ſubmit to the execution of the ſtamp-act on this principle, and this only, that they are unable to oppoſe it. Let any man of ſpirit then reflect with what kind of temper, he would ſubmit to the power of thoſe who without the right (that is, in his opinion) ſhould curtail his liberty and property againſt his will, and this without giving him any ſufficient ſecurity againſt future encroachments, or any good aſſurance how much in the end might be left him of either. If he eſteemed it rank oppreſſion, what would be his thoughts of the oppreſſor? Can the Americans eſteem it otherwiſe, while they continue in their preſent ſentiments? Or, Is it likely theſe ſhould change? If not, will they not from this inſtant look on the intereſts of Great Britain and America, not only as diſtinct, but oppoſite? Will they not purſue chiefly ſuch branches of commerce as are prejudicial rather than advantageous to the mother-country?

Retaliation is the natural conſequence of injury, real or imaginary: If therefore, an encouragement of manufactures is found by the coloniſts to be the moſt diſtreſſing meaſure to Great Britain, will not this be-

become the favourite object of American induſtry? They have given us an earneſt of this already, by prohibiting the importation of almoſt every article uſually ſent there from theſe kingdoms; many of theſe, however, they cannot do without, they muſt therefore be ſupplied with them either from among themſelves, or from our enemies: In ſhort, will not every ſcheme be eagerly purſued which tends to aggrandize them at the expence of their fellow-ſubjects in Europe, or, as they will call them, their oppreſſors? If there be any foundation for theſe apprehenſions, let every advocate for a forcible execution of the ſtamp-act, ſeriouſly aſk himſelf, whether any inconvenience is not preferable to ſuch an evil.

There is no contradiction in ſaying an act may be forcibly executed, which is not openly reſiſted; that is certainly a forcible execution of it, which is abſolutely againſt the conſent of thoſe who ſubmit to it, whether it be effected by dint of terror, or of arms.

The third method propoſed to put an end to the preſent troubles, is a mitigation of the act; but as this extends to the expediency only, and not the right of making it,

the grand objection the coloniſts have to it, will continue in full force.

The fourth and laſt propoſal is, that of a ſuſpenſion; but if by this be meant only a delay of the execution till the Americans ſhall be better able to pay the tax impoſed by it, the ſame difficulty remains which occurred to the laſt; for ſince this too does not reach the queſtion of right, and it is on that chiefly the oppoſition of the coloniſts is founded, they will be as little diſpoſed to ſubmit to the act, when the propoſed reſpite is expired, as they are at preſent. If indeed the advocates for a ſuſpenſion contend for it as an expedient to gain time, till ſome method can be deviſed of reconciling the Americans to the right alſo of the Britiſh legiſlature, as well as put them in a better condition to pay new taxes, this ſcheme entirely coincides with the deſign here propoſed: A ſuſpenſion of the act till the next general election, by which time meaſures might be taken for an equal repreſentation of all the men of ſufficient property throughout the Britiſh dominions. This expedient, and perhaps this only, would both ſalve the dignity of the legiſlature, and quiet the apprehenſions of the coloniſts. The former would be effected by leaving the queſtion of right undecided

decided till the expediency of the act ſhould come to be debated in what might juſtly be called the firſt parliament of the Britiſh empire. Whatever ſhould then be thought adviſable, whether repeal, execution, ſuſpenſion, or mitigation, it would be done with the conſent, and by the authority of the whole community; for it has been already ſhewn, that a repreſentation of the colonies at home is thought by their inhabitants both deſirable and neceſſary.

I muſt refer the reader, who requires further ſatisfaction, to Mr. Otis, their own advocate, from whoſe performance, however, I ſhall quote one or two of the ſtrongeſt paſſages to this purpoſe: "When "the parliament, ſays he, p. 90, ſhall "think fit to allow the coloniſts a repre-"ſentation in the houſe of commons, the "equity of their taxing the colonies "will be as clear as their power is at pre-"ſent of doing it without, if they pleaſe:" And in p. 53, he obſerves, "The colo-"niſts will have an equitable right, not-"withſtanding any forfeiture of charter, to "be repreſented in parliament, or to have "ſome new ſubordinate legiſlature among "themſelves: *It would be beſt, if they had "both.*"

The further advantages which would reſult to Great Britain and her colonies from this equal and univerſal repreſentation of the proprietors in both, are ſo numerous, and at the ſame time ſo ſtriking, that it would be both a needleſs delay, and an affront to the diſcernment of the reader to attempt a particular enumeration of them. It may not be amiſs however to mention ſome of the principals. If ſuch a diſtribution of the repreſentation was to take place, as was propoſed in treating of the practicability of the ſcheme; that is, ſuppoſing any determinate number of qualified men were allowed a repreſentative, this would give to every part of the Britiſh dominions a weight in the legiſlature proportioned to its importance in the community, and no more: If proper officers alſo were appointed in each diſtrict, to take an account of the men qualified to vote, previous to every general election, this would entirely ſave the trouble of all future alterations of the repreſentation, ſince the people would be as equally repreſented after 700 as after 7 years. In this caſe too the parliament at every general election would not only ſee the comparitive increaſe or diminution in the ſtrength of Great Britain and America, but of every county in England, every province in America, and every

pariſh, as they are called, in the Weſt-India iſlands. This would unite the coloniſts to their fellow ſubjects in Europe by the cloſeſt ties, by the only ones indeed which can form an intimate and laſting union, equality and mutual intereſt. The meaſures beneficial to both countries would be better underſtood, and more attended to: Since even the remoteſt parts of the Britiſh dominions would have ſuch advocates in the legiſlature, as would be beſt able and moſt intereſted in ſhewing how they would be affected by every proceeding of government: and the ſtate of the ſeveral places they repreſented would ſhew at every general election, whether or no they had been deceived in their conjectures. We might then reaſonably hope to ſee that carried into execution which has been ſo often propoſed, by bounties in ſome colonies, and duties or prohibitions in others, to excite every province to attend to ſome peculiar ſtaple: Each of them differs from the reſt both in climate and ſoil, and therefore all muſt have advantages over the others in bringing ſome particular produce to perfection: This is no new project, but one of theſe, which, like many others, every man has allowed to be good, and none have endeavoured to reduce to practice.

America

America would derive one advantage from theſe regulations in which Great Britain would be no ſharer; there would be an entire ſtop put to all diſputes between governors and aſſemblies; ſome of which are carried to ſuch a length, as to be in the higheſt degree detrimental to the colonies, a melancholy example of which is at this inſtant exhibited in Jamaica, till lately, the moſt flouriſhing of our iſlands; ſhould it be ſaid that this would be taking away from the coloniſts the grand bulwark of their liberties, whoſe repreſentatives in theſe aſſemblies are their conſtant ſupport againſt arbitrary encroachments; we have already ſhewn they would be much more effectually ſo by having ſeats in the grand legiſlature of the community, their complaints would not only have more weight, but would be at once preferred to thoſe who could give them immediate redreſs; if the guilt of a governor was by this means made apparent to the houſe of commons, an application from them for his removal or further puniſhment would of courſe be obtained; and when obtained, would anſwer the purpoſe more effectually than any method hitherto uſed, perhaps better than any which can poſſibly be deviſed.

Another benefit, and that by no means the leaſt, which would reſult from an equal repreſentation of the people, is this That the ſtate could not then be ruined by any internal cauſe leſs than an univerſal corruption of men of all orders and degrees. For as it would be impracticable according to this plan, from the numbers and property of the voters to carry even a ſingle election by ſiniſter influence; no repreſentative could then be returned, but ſuch men as all repreſentatives ſhould be; men of large property, tried integrity, and diſtinguiſhed abilities; whereas, whenever the majority of electors throughout the kingdom becomes corrupt, it requires no ſpirit of propheſy to foretel that the majority of repreſentatives muſt be ſo too: None but men as bad as themſelves will ſtoop either to bribe or repreſent them. Whether or no there will not be reaſon to apprehend this want of evils, if the diſproportion between electors and non electors continues long to increaſe as it has done for ſome ages, muſt be left to their conſideration who alone can apply the remedy; Lord Bacon's apopthegm is well known, England cannot be ruined but by a parliament. 'Tis plain this great man thought it might be ruined by a parliament, and Monteſquieu has told us, of what ſort.

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" The Engliſh" ſays he, " will loſe their " liberty when the legiſlative power ſhall " become more corrupt than the executive". *Dii talem avertite peſtem.*

It may farther be obſerved, that as, according to this plan, a vote for a repreſentative would be an object of rational ambition to the lower ſort, and a voice in the legiſlature no leſs ſo to thoſe above them; this would be a ſpur to induſtry in the former, and an incentive to the latter to purſue ſuch a conduct as would gain them the eſteem of honeſt and diſcerning men.

There is ſtill remaining one recommendation of this ſcheme, which cannot but have its weight with every friend to his country, and the liberties of mankind: The Britiſh conſtitution would hereby be rendered in practice, as well as theory, the moſt perfect of human inſtitutions: There would not be the leaſt occaſion to ſoften or explain away, as ſome have done, that celebrated aſſertion of Mr. Locke's, " That there remains ſtill inherent in the " people a ſupreme power to remove or " alter the legiſlature, when they find the " legiſlative act contrary to the truſt re- " poſed in them; for when ſuch truſt is abuſed,

" abuſed, it is thereby forfeited, and de-
" volves to thoſe who gave it." Mr. Locke was far enough from intending to advance poſitions favourable to ſedition; and what he did advance, it was ſeldom in the power of any other man to diſprove.

The above maxim of his is as far from being dangerous as it is from being untrue; if it is any where dangerous, it muſt be there only where every aſſertion is ſo which favours the natural rights of mankind; in thoſe countries where the wretched condition of the people makes every innovation deſirable, becauſe none can be for the worſe: But in the conſtitution here propoſed, wherein every man would have as much liberty, and as great influence, as it is poſſible, according to any ſyſtem, to allow him, the majority can hardly be ſuppoſed ſo ſenſeleſs as to deſire any alteration, when none could be made by which they would not be loſers.

The general inference, which it is intended the reader ſhould draw from what has been ſaid, is this:

Union is neceſſary to the Britiſh empire.

This union cannot long ſubſiſt without equality of repreſentation;

Therefore equality of repreſentation is neceſſary to the Britiſh empire.

The reader's patience muſt be deſired a little longer, to ſhew briefly what would be the effects of this union; they may all be comprized in this: That it would ſoon exalt theſe kingdoms to an height of power and riches, perhaps, ſuperior to any ſtate which ever exiſted; but, certainly, to any which is now in being: If it can be ſhewn, that we ſhall then have the means of both in our hands, the truth of the aſſertion is demonſtrated;

Firſt, in regard to power; the late peace, whether good or bad, adequate or inadequate, has certainly left us in poſſeſſion of an extent of territory, which, tho' not perhaps larger, is capable from the wholſomeneſs of its climate in general, and the abundance of its uſeful productions, to ſubſiſt more inhabitants than thoſe of any other nation, we have therefore the means of attaining greater power, which depends ultimately on number of inhabitants.

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Secondly, as to riches, theſe are only to be acquired by gainful trade; but as the Britiſh dominions are extended into all the climates they are capable of furniſhing, with due induſtry and attention, all the productions of the world; when once they do ſo, we ſhall ſupply all ſtates with ſomething; receiving nothing in return ourſelves but money: This cannot be the caſe of any other nation, ſince none but ourſelves have the means of raiſing every commodity; therefore none have ſuch opportunities of becoming rich.

It is needleſs perhaps to acquaint the reader that it by no means falls within the ſcope and deſign of this performance, nor the knowledge and abilities of its author, to obviate, or even to enumerate every difficulty which may be ſtarted againſt the ſcheme propoſed: Nothing farther is intended than to ſhew upon the whole, that it has ſome pretence to the ſtricteſt equity and the greateſt benefits to the community; perhaps to practicability; with here and there an incentive to thoſe who may incline to think ſo, if there ſhould be any ſuch, to contribute their ſhare towards carrying it into execution.

If the equity and advantages it pretends to are in a good degree made to appear, an abſolute demonſtration of its practicability will hardly be expected or deſired; ſince, if theſe are allowed it, that, it may reaſonably be hoped, will come to be diſcuſſed before much abler judges; by thoſe whoſe authority alone can make it practicable, though ever ſo equitable or beneficial.

It muſt be confeſſed, that to effect an equal and univerſal repreſentation of all the men of property throughout the Britiſh dominions, is an arduous enterprize; but the more arduous the attempt, the more glorious its execution; and the more glorious the better worthy the legiſlature of Great Britain.

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POSTSCRIPT.

IF the reader, notwithſtanding what has been ſaid, ſhould ſtill incline to think, that our anceſtors did not pay ſo ſcrupulous a regard to property, as has been here aſſerted; he muſt be deſired to conſider, that this may be given up, without in the leaſt affecting the argument.

We are not enquiring if our anceſtors underſtood the conſtitution, but what the conſtitution is, and whether or no we who do underſtand it can be juſtified without acting up to our knowledge. The conſtitution is, and God forbid it ſhould ever be otherwiſe, that King, Lords and Commons ſhould exerciſe the ſupreme power of legiſlation: But who are the commons? The repreſentatives of the people. Of all the people? It is impoſſible from their numbers that all ſhould vote for them, but there is alſo another reaſon for requiring a qualification to vote, which take as follows.

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" The true reaſon, (ſays Dr. Blackſtone, " p. 165. after Lord Coke and others) of " requiring any qualification, with regard " to property, in voters; is to exclude ſuch " perſons as are in ſo mean a ſituation that " they are eſteemed to have no will of their " own".

But why then ſhould any be excluded who are not in this mean ſituation, and who have a will of their own? It is eaſy to ſhew, that tho' property was never attended to in regard to voters, as it ought, yet it was never entirely neglected: Why elſe were towns admitted to a ſhare in the legiſlation for ſome ages, as faſt as they became conſiderable; and why, at this day, is any man admitted to vote who can increaſe his freehold from 20 to 40 ſhillings? As laws, eſpecially taxes, affect all men of property, why ſhould not all ſuch conſent, by their repreſentatives to the impoſition of them: The colonies have laid claim to repreſentation, in that legiſlature, by which they are to be taxed, whether ſupreme or ſubordinate: Not only the equity of this claim is to be conſidered, according to the principles on which the Britiſh conſtitution is founded, but the conſequences alſo of a refuſal.

FINIS.